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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,643	11/15/2001	Roy E. Seibert	PRO0001-US	7439
28970	7590	01/04/2006		
PILLSBURY WINTHROP SHAW PITTMAN LLP			EXAMINER	
1650 TYSONS BOULEVARD			OUELLETTE, JONATHAN P	
MCLEAN, VA 22102			ART UNIT	PAPER NUMBER

3629

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,643

Applicant(s)

SEIBERT, ROY E.

Examiner

Jonathan Ouellette

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 15-18 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 15-18 and 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination

1. The Request filed on 10/21/2005 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/987,643 is acceptable and a RCE has been established. An action on the RCE follows.

Response to Amendment

2. Claims 24 and 25 have been added; therefore, Claims 1-12, 15-18, and 20-25 are currently pending in application 09/987,643.

Claim Rejections - 35 USC § 101

3. Claims 8-10 are rejected under 35 U.S.C. 101 is withdrawn due to applicant's arguments.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-12, 15-18, and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brenn (US 6,133,555).**

6. As per **independent Claim 1**, Brenn discloses a system for notifying customers comprising:
means for receiving filter information from a customer (equipment sensors, C1-C2, C5, C20),
wherein the filter information includes a filter system brand, a model number, a filter
replacement part number, location of the filter system, and desired changing cycles
(equipment information, maintenance schedule, C33); means for computing a filter
replacement date at least based on the received filter information (maintenance schedule or
service need, C13 L57-63); and means for scheduling a service to change a replacement filter
on the filter replacement data (send data that filter change is need, for service needs or
scheduled needs, C13 L57-63, C20 L41-43; schedule service, C13 L56-63, C34).
7. Brenn fails to expressly disclose wherein said means for scheduling includes means for
automatically contacting a third party service company on behalf of the customer.
8. However, Brenn does disclose wherein a message automatically sent to the central controller
when service is needed (C9, C13 L56-63, C20 L41-43, C32), and Brenn also discloses
wherein the system has service integration, to allow service agents access to necessary
service information (C12 L47-50, C34).
9. Therefore, it would have been obvious to one of ordinary skill in the art at the time the
invention was made to have included wherein said means for scheduling includes means for
automatically contacting a third party service company on behalf of the customer, in the
system disclosed by Hughes, for the advantage of providing a notification system, with the
ability to increase system efficiency by bi-passing central computer/management
confirmation of problem, and automatically/directly contacting service agents when service
is needed.

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10. As per Claim 4, Brenn discloses means for storing filter replacement history (C29).
11. As per Claim 5, Brenn discloses wherein the filter replacement history and a time of year are considered in computing the filter replacement date.
12. As per Claim 6, Brenn discloses wherein the first filter replacement date and the second filter replacement date define a first filter replacement interval and wherein a third filter replacement date and a forth replacement date define a second filter replacement interval, and wherein the first replacement interval is different from the second replacement interval.
13. As per Claim 7, Brenn discloses wherein the second filter replacement date is the same as the third replacement date.
14. As per Claims 21, Brenn discloses wherein the means for scheduling a service includes scheduling a service technician dispatch to change the replacement filters.
15. As per Claims 22, Brenn discloses wherein the means for scheduling a service including commanding a fulfillment location to ship the replacement filter to the customer.
16. As per Claims 23, Brenn discloses means for sending a contact to a customer on a message date that is related to the filter replacement date.
17. As per Claims 24, Brenn discloses wherein the filter information is used to automatically compute successive filter replacement dates.
18. As per Claim 2, Brenn discloses wherein the message date is before the filter replacement date.
19. As per Claim 3, Brenn discloses wherein the message date is the same as the filter date.
20. As per **independent Claim 8**, Hughes discloses a method for notifying customer comprising the steps of: receiving, from a customer, information related to a filter (equipment sensors,

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C1-C2, C5, C20), wherein the filter information includes a filter brand, a model number, a filter replacement part number, location of the filter system, and desired changing cycles (equipment information, maintenance schedule, C33); using the information to compute a replacement time for the filter (maintenance schedule or service need, C13 L57-63); and scheduling a service to change the filter at the replacement time for the filter (send data that filter change is need, for service needs or scheduled needs, C13 L57-63, C20 L41-43; schedule service, C13 L56-63, C34).

21. Brenn fails to expressly disclose wherein said scheduling includes automatically contacting a third party service company on behalf of the customer.
22. However, Brenn does disclose wherein a message automatically sent to the central controller when service is needed (C9, C13 L56-63, C20 L41-43, C32), and Brenn also discloses wherein the system has service integration, to allow service agents access to necessary service information (C12 L47-50, C34).
23. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein said scheduling includes automatically contacting a third party service company on behalf of the customer, in the system disclosed by Hughes, for the advantage of providing a notification system, with the ability to increase system efficiency by bi-passing central computer/management confirmation of problem, and automatically/directly contacting service agents when service is needed.
24. As per Claim 9, Brenn discloses providing a contact with the customer at the replacement date, wherein the contact is information related to the filter and a reminder to replace the filter.

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25. As per Claims 10, Brenn discloses commanding a fulfillment location to ship a replacement filter to the customer or a service technician dispatch.
26. As per Claim 11, Brenn discloses wherein the contact is a message the method further comprising waiting for a response after sending the message.
27. As per Claim 12, Brenn discloses after receiving the information, sending a product to the customer.
28. As per Claim 15, Brenn discloses storing filter replacement history.
29. As per Claim 16, Brenn discloses wherein the filter replacement history and a time of year are considered in computing the filter replacement.
30. As per Claim 17, Brenn discloses wherein the first filter replacement date and the second filter replacement date define a first filter replacement interval and wherein a third filter replacement date and a forth replacement date define a second filter replacement interval, and wherein the first replacement interval is different from the second replacement interval.
31. As per Claims 18, Brenn discloses wherein the system retains information related to customer equipment; and identifying the replacement filter based on the information.
32. As per Claims 20, Brenn discloses wherein the scheduling a service includes scheduling a service technician dispatch to replace the filter at the filter replacement date.
33. As per Claims 25, Brenn discloses wherein the filter information is used to automatically compute successive filter replacement dates.

Response to Arguments

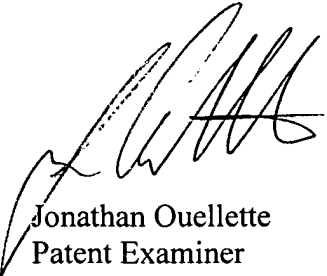
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34. Applicant's arguments filed 5/3/2005, with respect to Claims 1-12, 15-18, and 20-23, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
36. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
37. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

December 27, 2005



Jonathan Ouellette
Patent Examiner
Technology Center 3600